

NOV 30 2020

Nov 19-2020

UNITED STATES

David J. Bradley, Clerk of Court

OF

Civil Action # AMERICA DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States Courthouse

Brownsville, Texas

Reynaldo G. Garza-Filemon

B. Vela

David Greg Gonzales

Complaint, Plaintiff - Appellant

and Demand, Vs

for Jury Trial, Willacy County Sheriff's Dept and Jail Administrators

Major Andy Maldando

Chief Admin Rene Ramirez

Andrew Maldando of Raymondville, Texas in Willacy County

Kori Guzman, SFT Defendants et al., Appellees

Parties

1. David Greg Gonzales is an individual [Plaintiff] residing at 1687 APT A21 E. Hidalgo Willacy County 78580 Raymondville, Texas is filing suit against the above enfiled Defendants on the Day of November 19, 2020 Appellant

2. Major Andy Maldando is an individual [Defendant] residing at 1371 Industrial Drive Willacy County Raymondville, Texas Appellee 78580

3. Chief Admin Rene Ramirez is an individual [Defendant] residing at 1371 Industrial Drive Willacy County Raymondville, Texas Appellee 78580

4. Andrew Maldando is an individual [Defendant] residing at 523 W. Hidalgo Willacy County Raymondville, Texas Appellee 78580

OBRA] Omnibus Budget Reconciliation Act, which Congress passed Bill in 1987. Then too follow The Food and Drug Administration made similar recommendation in 1981 for acute care setting in Corrections and Jail Standards. Use of Restraints that are not followed by these Guidelines are held as direct and proximate Negligence and are liable for Actual Damages Compensatory Damages; and Promissory Damages.

OBRA] Guidelines that where not followed by (Defendants) as following

- you can only use restraint as last resort
- you must have a Doctor's or Nurse's order
- you must use restraint appropriate for Inmate's condition and only for as long as necessary - according to Doctor's or Nurse's order's
- document the threatening Behavior - with audio, visual rec;
- document in written report of threatening Behavior
- Restrain Inmate according to Jail Standards Policy
- Describe specific allowable circumstances
- Document the Behavior that justifies continued use of the restraint
- check on Inmate every [15minutes] including wrists or legs restraint for proper circulation and motor functions and sensory functions in the restrained extremities
- Remove the restraints at 30 min-intervals specified by Doctor's or Nurse's Orders
- Also allowing Inmate for toileting and active or passive range of motion exercises in Inmate's Limbs

Facts

On November 21, 2019 threw January 29, 2020
On July 26; 27 - 2020; and July 29 - open date
2020 [Defendant's] are guilty of (Battery, False
Imprisonment, lack of Informed Consent, and denial
of 1st amendment right of freedom of religion,
speech, press, assembly; petition; 4th amendment right
protection against unreasonable search and seizure;
5th amendment right-right of accused persons-right to
due process; just compensation; and 8th amendment right
protections against excessive bail and cruel and
unusual punishment

First Claim for Relief Battery, False Imprisonment, and Lack of Informed Consent

[Plaintiff] (David Greg Gonzales) according to
ProSe and in ~~Forma~~ Pauperis complaint was
on the on the above intitled, facts [Plaintiff]
was Illegally restrained and restraintment
chair was used in Duress of Life and Liberty
while he was an Inmate of Willacy County
Sheriff's Dept and Jail in Raymondville, Texas on
Dates Nov - 21, 2019 threw Jan. 29, 2020, [Defendants]
(Major Andy Maldando, Chief Admin Rene Ramirez, Andrew
Maldando; and Willacy County Sheriff's Dept and Jail)
fell guilty off using restraints and restraintment
chair for 24 hours On ONE occasion. Falling
short of, Not used without Doctor's or Nurse
Knowledge and failed to follow Guidle Guidelines

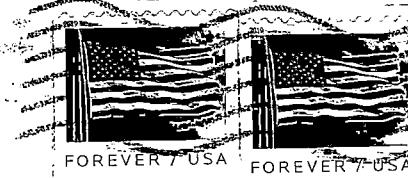
5. Willacy County Sheriff's Dept and Jail is individual
[Defendant] residing at 1371 Industrial Drive
Willacy County Raymondville, Texas Appellee 78580

6. Kori Guzman ^{srt} is an individual [Defendant]
residing at 1371 Industrial Drive Willacy
County Raymondville, Texas Appellee 78580

MCALLEN TX 785
David Grey Gonzalez 20 PM 11/30/2020

1687 E. Hidalgo Apt A21

Raymondville, TX 78580



MAIL
United States District Court
Southern District of Texas

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United States District
Court Southern District
of Texas Clerk

Reynaldo G. Barra-Fileno Bldg
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600 E. Harrison Street #101
Brownsville, Texas 78520-7114